

REGULAR MEETING of the Burrillville Town Council held Wednesday, April 14, 2010 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: None

1. Members of Troop 102, Mapleville led those present in pledging allegiance to the flag.

10-053 Council President Nancy F. Binns presented a resolution recognizing the 100th anniversary of Boy Scouts of America to members of Troop 102, Mapleville.

2. VOTED to accept the minutes of the regular meeting held March 10, 2010 and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Margaret L. Dudley announced the Friends of the Library Book and Bake Sale scheduled for April 23 and 24, 2010.

Councilor Margaret L. Dudley announced the 20th Annual Burrillville Family Fair scheduled for May 8, 2010 at the Burrillville Town Common and the A.T. Levy School.

Councilor Kevin D. Heitke wished the Northern Rhode Island Robotics Collaborative success in their competition in Atlanta. Councilor Dudley concurred.

Councilor Kevin D. Heitke announced the next Ten in Sixty questions and answer session, scheduled for April 21, 2010.

Councilor John M. Karmozyn, Jr. announced Earth Day on Saturday, April 17, 2010 and invited the public to participate, beginning at 8:30 A.M. at the Department of Public Works.

Councilor John M. Karmozyn, Jr. announced the Lions Club Annual Scholarship Breakfast scheduled for May 23, 2010 from 7:30 A.M. to Noon.

5. Petitions:

10-087 Consider and act on petition from Verizon New England Inc. and Narragansett Electric Company to place one new joint mid-span pole on Mount Pleasant Road.

MOTION to grant.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr.

Amended Motion: To grant, subject to the provision that, if the pole is moved it will be done at Verizon and Narragansett Electric's expense.

Amended Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr.

Discussion: Michael C. Wood, Town Manager, indicated that he had been prepared to ask the Town Council to delay this vote subject to discussions with Verizon. Mr. Wood said that the issue that had presented a problem may have been resolved.

The vote on the amended motion carried unanimously. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

6. Special Business:

10-088 VOTED to grant an annual arcade license to Spring Lake Arcade to apply at 52 Old Hillside Drive, Glendale, on property owned by the Town of Burrillville.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: It was noted that 2010 is Mr. Bateman's 21st year operating the arcade and the 80th season for the arcade.

10-089 VOTED to grant a Class F liquor license and a special event victualing license to St. Joseph Roman Catholic Church to apply at 181 Sayles Avenue, Pascoag (Assessor's Map 174, Lot 131).

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-090 VOTED to grant to the Nasonville Volunteer Fire Department a Class F liquor license to apply at the Spring Chowder & Clam Cake Fundraiser to be held on April 18, 2010 at 2577 Victory Highway, Nasonville (Assessor's Map 114, Lot 32).

Motion by Councilor Robert A. Bishop. Seconded by Councilor John M. Karmozyn, Jr.

Discussion: There was discussion that the event is a non-profit operated by volunteers. As such, Workers' Compensation insurance is not required.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

7. Public Hearings: None

8. Unfinished Business: None

9. New Business:

10-091 VOTED to declare surplus Panasonic Model CF-27 laptops and associated items, as listed, as requested by Edward J. Pienkos, Information Systems Manager.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-092 VOTED to open the correspondence from Stephen N. Rawson, Chairman, Burrillville Conservation Commission, regarding his request to update the Council on Conservation Commission activities.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Stephen N. Rawson, Chairman, Burrillville Conservation Commission, reported to the Town Council relative to:

- Blueberry bushes to be distributed at the Family Fair**
- Arbor Day tree raffle (winners were Walter Chomka, Kathy Jenks and Daniel Esposito)**
- Possible Eagle Scout project at the Blanchard Trail**
- Potential wind power project(s)**
- Control of the water flow at Wallum Lake**
- Proposed donation of land in downtown Pascoag**

10-093 VOTED to table the correspondence from SBA Network Services, Inc. regarding their request related to the lease for land for the SBA Communication Tower Site at Clear River Drive.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-094 VOTED to open the correspondence from Lee Fiske regarding four-wheel recreational dirt bike riding on and adjacent to Gazza Road.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Lee Fiske of Gazza Road outlined the neighborhood problems related to four-wheel recreational dirt bike riding on and adjacent to Gazza Road, as outlined in his letter, which is on file with the record of the meeting. There was discussion of the possibility of implementing no parking zones, tow zones, notification to the

property owner, and developing alternatives that would encourage legal use of ATVs.

MOTION to send a letter to Narragansett Improvement advising them and reminding them of the liability that they host; and to refer to the administration to see if we can get some of the officers up there to move those people off the road.

Motion by Councilor Norman C. Mainville.

There was discussion of referring the matter to the Ordinance Subcommittee.

Seconded by Councilor Wallace F. Lees.

Bruce Bosko of Gazza Road addressed the Town Council about traffic and speeding issues. The problem was discussed.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MOTION to refer the matter of the parking issue and tow zone to the ordinance subcommittee for further study and possible recommendation.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Gregory Murray of Gazza Road addressed the Town Council about the number of residents present who are concerned about the issue. Neighborhood concerns were reviewed and discussed.

MOTION to send a copy of the letter we are sending to Narragansett Improvement to the Town of Glocester, making them aware of the issues of ATVs.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Mr. Murray indicated that the neighbors had prepared a petition, which they offered to the administration.

10-095 VOTED to raise the Armenian flag over the town building on April 24, 2010, as requested by Stephen Elmasian, Co-Chairman,

Armenian National Committee – RI.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-096 VOTED to accept with regret the resignation of T.J. Mottola from the Conservation Commission, and to forward the vacancy to the Screening Subcommittee.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-097 Consider and act on pending legislation

There was discussion of:

- House Bill 2010 – H7105, amending 2010 budget, which had been passed by the House of Representatives**
- House Bill 2010 - H7967 relative to teacher collective bargaining, which was scheduled for hearing April 15, 2010**

- **House Bill 2010 - H8021, introduced to limit the impact of RIGL §45-19-1 related to salary payment to injured fire fighters and police officers**
- **Senate Bill 2010 - S2781, which sought to allow municipal budget delays**
- **House Bill 2010 - H7928, related to taxation, which could impact budget revenues**

MOTION to do a resolution in opposition to H7928; the resolution to go to all cities and towns and our Representatives and Senators; and I would like the resolution to state that we did not ask for this.

Motion by Councilor Margaret L. Dudley.

VOTED to send a letter to our Representatives and Senator stating that we do not support the House Bill referenced – H7928.

Motion by Councilor Robert A. Bishop. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke and John M. Karmozyn Jr. Councilor Norman C. Mainville voted in opposition.

Louise R. Phaneuf, Town Clerk, reviewed the status of the bills requested by the Burrillville Town Council.

10. Town Clerk/Communication:

10-098 Correspondence from Rhode Island city and town councils requesting support for their resolutions, as follows:

a) Resolutions from Foster and Narragansett Town Councils in support of returning the America's Cup Races to the City of Newport.

MOTION to support.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr.

It was noted that the Town Council had taken action on this item at an earlier meeting. No vote taken (as council has supported).

b) Resolutions from East Greenwich Town Council and Smithfield School Committee in opposition to mandatory binding arbitration on monetary matters for teachers; and

c) Resolution from the Narragansett Town Council supporting legislation establishing a "Blue Alert" program in the State of Rhode Island; and

d) Resolutions from the Bristol and Portsmouth Town Councils in support of 2010 H7014, Bridge Safety legislation; and

e) Resolution of the Tiverton Town Council in support of legislation to

authorize Rhode Island Cities and Towns to postpone budget and financial town meetings for fiscal year 2010/2011; and

f) Resolution of the East Greenwich and Foster Town Councils and the Smithfield School Committee in opposition to mandatory contract continuation legislation; and

g) Resolution of the Portsmouth School Committee in opposition to the RIDE suggested version of a funding formula for school districts.

MOTION to receive and file (resolutions a – g).

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Discussion: Michael C. Wood, Town Manager, asked the Town Council to consider opposing Senate Bill 2010 – S2114 Sub A, which would adopt a uniform chart of accounts. Mr. Wood provided reasons that the administration asked that the Town Council not support any chart of accounts at this time.

VOTED to do a resolution in opposition, citing the reasons that the Manager has just given.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-099 VOTED to receive and file the invitation from Jeanne-Marie Napolitano, Mayor, City of Newport, to participate in the Aquidneck Island National Police Parade scheduled for Sunday, May 2, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-100 VOTED to receive and file the correspondence from Dale S. Holberton, CMC, Town Clerk of the Town of South Kingstown, regarding the Burrillville Town Council's resolution related to House Bill 2010 – H7276.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D.

Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

11. Additional New Business:

10-101 VOTED to grant the requests for executive session from Council President Nancy F. Binns and Town Manager Michael C. Wood, pursuant to Rhode Island Open Meeting Law [§42-46-5(a)(2)] to consider and discuss a matter of pending litigation – case P2-2009-2487A (State of Rhode Island v. Deborah Carr); and [§42-46-5(a)(2)] to consider and discuss collective bargaining between the Town of Burrillville and the Fraternal Order of Police Burrillville.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Return at 9:10 P.M.

VOTED to seal the minutes of executive session, noting that there were no votes taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the

motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

12. VOTED to adjourn at 9: 10 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk